

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 3: Rio Cebolla

Subfile No. CHCB-003-0015B

**ORDER DENYING MOTION TO STAY LITIGATION PROCEEDINGS
AND GRANTING REQUEST FOR EXPEDITED DETERMINATION OF RIGHTS**

THIS MATTER is before the Special Master on the August 3, 2004, Joint Motion to Stay Litigation Proceedings (Docket No. 7548) filed by the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and Defendants David E. Archuleta and Lydia U. Archuleta (“Defendants”) in Subfile CHCB-003-0015B. The Motion asks the Court to stay litigation proceedings subject to the Pretrial Order filed March 8, 2004 (No. 7428), and to allow an expedited determination of Defendants’ stock watering rights, if any, in connection with impoundment structures (ponds) located on land associated with Subfile CHCB-003-0015B. The Defendants will withdraw their irrigation water rights claims in connection with lands associated with the subfile if an agreement on their stock watering rights is reached with the State.

The Pretrial Order sets out a deadline for initial disclosures and provides that any summary judgment motions be filed on or before September 27, 2004. The parties’ Motion does not specify a deadline by which the parties must reach an agreement for determining Defendants’ stock watering

rights, nor do the parties propose how the present litigation schedule would be reinstated should the discussions prove unsuccessful. While I encourage productive settlement discussions in lieu of litigation, experience indicates that an indefinite stay of proceedings is counterproductive to the conduct and completion of these adjudications.

IT IS ORDERED, THEREFORE, that this Motion for a stay is DENIED. No later than the August 24, 2004, status and scheduling conference, counsel for the parties shall submit a status report on the matter, and shall include (a) a proposed deadline for settlement negotiations concerning the stock watering rights of the Defendants in connection with impoundment structures located on land associated with Subfile CHCB-003-0015B, and, if appropriate, (b) a proposed amendment to the existing Pretrial Order.

IT IS FURTHER ORDERED that the request for an expedited determination of Defendants' stock watering rights is GRANTED.

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN